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August 13, 2001

Our File No. 960670.CNC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Non-Fee Amendments
The Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

Enclosed herewith for filing is the Amendment in response to the Office Communication dated June 12, 2001, for the patent entitled "IMPROVEMENTS IN OR RELATING TO PEPTIDE DELIVERY", Petition for one-month Extension of Time, check in the amount of \$55.00 to cover the extension fee, CRF copy of Sequence Listing, paper copy of Sequence Listing, copy of Notice to Comply and a Certificate of Mailing.

The Commissioner is authorized to charge any fees or refund any overpayment under 37 CFR 1.111 which may be required by this paper to Deposit Account No. 08-1265.

Yours very truly,

NIKOLAI & MERSEREAU, P.A.

C. G. Mersereau

CGM/tr
Enclosures

DISK TO STIC

DATE: _____





PATENT APPLICATION

Our Docket No. 960670

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Donald L. N. Cardy et al : August 13, 2001
S.N. : 08/737,457 : Art Unit 1644
Filed : March 12, 1997 : Examiner G. Ewoldt
For : IMPROVEMENTS IN OR RELATING TO Paper No. 27
PEPTIDE DELIVERY

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RESPONSE

Honorable Commissioner of Patent and Trademarks

Washington, D.C. 20231

Dear Sir:

This paper is submitted in response to the Official Communication from the Examiner in charge of the application dated June 12, 2001.

In that communication, applicants were given 30 days from that date within which to comply with the sequence rules of 37 CFR §'s 1.821-1.825. That period expired on July 12, 2001 and, accordingly, applicants herewith submit a Petition for a one-month extension of time, together with the requisite fee, to extend that date until Monday, August 13, 2001.

To comply with the requirements of the Examiner, applicants herewith supply an initial computer readable form (CRF) copy of the "Sequence Listing". In addition, an initial paper copy of

the Sequence Listing is supplied as contained in pages 1-2 of Appendix "A".

The information recorded in computer readable form is identical to the written Sequence Listing and they include no new matter.

It should further be noted that the peptide sequences on page 11, line 5 and page 12, line 1, are identical. Therefore, the Sequence Listing contains only two sequences instead of three to eliminate repetition.

It is believed that the application now complies with the requirements with 37 CFR 1.821-1.825 and, accordingly, it is requested that substantive examination of the claims proceed.

Respectfully submitted,

NIKOLAI & MERSEREAU., P.A.



C. G. Mersereau
Registration No. 26,205
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820 International Centre
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Minneapolis, MN 55402
(612) 339-7461



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CERTIFICATE OF MAILING

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I hereby certify that the foregoing Amendment in response to the Office Communication of June 12, 2001, a Petition for a one-month Extension of Time in application Serial No. 08/737,457, filed on March 12, 1997 of Donald L.N. Cardy et al., entitled "IMPROVEMENTS IN OR RELATING TO PEPTIDE DELIVERY", CRF copy of Sequence Listing, paper copy of Sequence Listing, copy of Notice to Comply and a transmittal letter are being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, on August 13, 2001.

Theresa Russek

On Behalf of C. G. Mersereau

Date of Signature: August 13, 2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

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Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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